IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

TCYK, LLC,

Plaintiff,

vs.

Case No. 2:13-cv-688
Judge Marbley
Magistrate Judge King

JOHN DOES 1-37,

Defendants.

OPINION AND ORDER

This is a copyright action in which plaintiff alleges that defendants copied and distributed plaintiff's copyrighted work, the motion picture "The Company You Keep." ***Complaint***, Doc. No. 1, ¶ 5. Defendants are identified only by internet protocol ("IP") addresses. ***Exhibit B***, attached to ***Complaint***. On October 10, 2013, movant Alex C. Sheeley filed a motion to quash and to sever. ***Motion to Quash Subpoena***, Doc. No. 12. The motion did not, however, comply with the requirements of Fed. R. Civ. P. 11 because the motion was not signed. The Court therefore ordered the movant to submit for filing a signed copy of the motion to quash which contains the information required by Rule 11(a). ***Order***, Doc. No. 13. The movant complied with that order and filed a signed motion to quash on October 16, 2013.[1] ***Motion to Quash Subpoena***, Doc. No. 14. For the reasons that follow, the motions

[1] It appears that the movant omitted page two of his motion when filing the signed ***Motion to Quash***, Doc. No. 14; the motions are otherwise identical. The Court will, however, consider all of the arguments made in the original ***Motion to Quash***, Doc. No. 12. The Court will refer to the motions collectively as ***Motions to Quash*** and will cite the page numbers in the first filed motion.

to quash filed by movant Alex C. Sheeley, Doc. Nos. 12, 14, are **DENIED.**

I. BACKGROUND

Plaintiff TCYK, LLC, is a developer, producer, and/or distributor of motion pictures that has exclusive ownership rights to a motion picture entitled "The Company You Keep." *Complaint*, ¶¶ 5, 8, 9. Plaintiff alleges that defendants Doe 1-37 (collectively, "Doe defendants" or "unidentified defendants") copied and distributed plaintiff's copyrighted work, The Company You Keep. *Id.* at ¶ 5. According to plaintiff, Doe defendants used a peer-to-peer ("P2P") network known as "BitTorrent protocol" or "torrent." *Id.* Plaintiff alleges that individuals, such as the unidentified defendants, joined together as a "swarm" in order to use the BitTorrent protocol to illegally download copyrighted material:

> The BitTorrent protocol makes even small computers with low bandwidth capable of participating in large data transfers across a P2P network. The initial file-provider intentionally elects to share a file with a torrent network. This initial file is called a seed. Other users ("peers") connect to the network and connect to the seed file to download. As yet additional peers request the same file each additional user becomes a part of the network from where the file can be downloaded. However, unlike a traditional peer-to-peer network, each new file downloader is receiving a different piece of the data from users who have already downloaded the file that together comprises the whole. This piecemeal system with multiple pieces of data coming from peer members is usually referred to as a "swarm." The effect of this technology makes every downloader also an uploader of the illegally transferred file(s). This means that every "node" or peer user who has a copy of the infringing copyrighted material on a torrent network can also be a source of download, and thus distributor for that infringing file.

Id.

Plaintiff goes on to allege that the possibility of successfully downloading increases when more peers join the swarm:

> This distributed nature of BitTorrent leads to a rapid viral spreading of a file throughout peer users. As more peers join the swarm, the likelihood of a successful download increases. Because of the nature of a BitTorrent protocol, any seed peer that has downloaded a file prior to the time a subsequent peer downloads the same file can automatically be a source for the subsequent peer so long as that first seed peer's computer is online at the time the subsequent peer downloads a file. Essentially, because of the nature of the swarm downloads as described above, every infringer is stealing copyrighted material from other potential infringers in numerous jurisdictions around the world, and each is also distributing infringing material.

Id. at ¶ 6.

According to plaintiff, Doe defendants' copyright infringements permit them and others to illegally obtain and distribute plaintiff's copyrighted works at no cost. *Id.* at ¶ 8. Distributing even a portion of an unlawful copy of a copyrighted work, such as The Company You Keep, "can result in the nearly instantaneous worldwide distribution of that single copy to an unlimited number of people." *Id.*

Plaintiff filed this action on July 16, 2013, alleging that the Doe defendants' unauthorized copying, distribution, and use of plaintiff's copyrighted work violated plaintiff's exclusive rights in The Company You Keep. *Id.* at ¶¶ 12-17. Plaintiff alleges that Doe defendants' willful, intentional, wanton and/or malicious and/or outrageous acts of copyright infringement (made with full knowledge of plaintiff's ownership copyrights of The Company You Keep) will cause plaintiff irreparable injury unless they are restrained and enjoined. *Id.* at ¶¶ 18-21. Plaintiff seeks statutory and punitive damages for each act of infringement of its copyright as well as costs and attorneys' fees. *Id.* at ¶ 22-25. Plaintiff also seeks injunctive relief prohibiting each Doe defendant from further infringing plaintiff's copyright and ordering each Doe defendant to destroy all copies of the copyrighted The Company You Keep made in violation of plaintiff's copyrights. *Id.* at ¶ 26.

Plaintiff did not know the names of the Doe defendants at the time the action was filed. *Id.* at ¶ 10. Instead, plaintiff knew each defendant only by (1) the IP address assigned to each Doe defendant by his or her internet service provider ("ISP") and (2) the date and time that the alleged infringing activity of each Doe defendant was observed. *Id.* at ¶¶ 10, 16. Plaintiff alleges that each Doe defendant committed violations of the same law, ***i.e.***, 17 U.S.C. § 101, ***et seq.***, "within the same series of transactions or occurrences (e.g. downloading and distribution of the same copyrighted Motion Picture [The Company You Keep] owned by Plaintiff) and by using the same means (BitTorrent network)." *Id.* at ¶ 11. Plaintiff also alleges that "all of the infringements alleged in this lawsuit arise from the exact same unique copy of Plaintiff's movie as evidenced by the cryptographic hash value.[2] The Defendants are all part of the exact same 'swarm.'" *Id.* According to plaintiff, the Doe defendants' illegal acts occurred in the same series of transactions and the Doe defendants conspired together to copy and/or distribute The Company You Keep:

> Defendants' acts occurred in the same series of transactions because each Defendant downloaded and/or distributed, or offered to distribute the Motion Picture

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[2] "That value acts as a 'unique digital fingerprint' that ensures a piece of data belongs in a particular torrent file." ***Malibu Media, LLC v. Pelizzo***, No. 12-22768-CIV-SEITZ/SIMONTON, 2012 U.S. Dist. LEXIS 180980, at *4 (S.D. Fla. Dec. 20, 2012) (citations omitted).

> [The Company You Keep] to other infringers on the network, including the Doe Defendants and/or other network users, who in turn downloaded and/or distributed the Motion Picture. Therefore, the Defendants each conspired with other infringers on the BitTorrent network to copy and/or distribute the Motion Picture, either in the same transaction or occurrence or a series of transactions or occurrences.

Id.

On the same day that the ***Complaint*** was filed, plaintiff also filed an ***ex parte*** motion seeking to conduct limited, expedited discovery of non-party ISPs in order to determine the identities of the Doe defendants. Doc. No. 3. Specifically, plaintiff sought leave to serve a subpoena pursuant to Fed. R. Civ. P. 45 on certain ISPs in order to discover the name, address(es), telephone number(s), e-mail address(es), and Media Access Control ("MAC") addresses of each Doe defendant identified by plaintiff to date (as well as those whom plaintiff may identify in the future). ***Id.*** at pp. 20-21. Plaintiff represents that it will use this information only for the purpose of pursuing its claims in this litigation. ***Id.*** at p. 21. This Court granted plaintiff's ***ex parte*** motion, concluding that plaintiff had established good cause for the expedited discovery. ***Order***, Doc. No. 4, pp. 1-4.

Plaintiff has apparently issued a subpoena to CenturyLink, an ISP, seeking information attached to certain IP addresses. ***See Motions to Quash***, p. 1 ("I received a letter from my Internet Service Provider (ISP) regarding a subpoena, which included a copy of the Order Granting Plaintiff's Application for Leave to Take Discovery."). As noted ***supra***, movant Alex C. Sheeley has filed a motion to quash the subpoena and to sever the claims against the various Doe defendants.

Motions to Quash, p. 1. Plaintiff has not filed a response to the *Motions to Quash*.

II. REQUEST TO QUASH SUBPOENAS

A. Standard

The Federal Rules of Civil Procedure grant parties the right to "obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). Relevance for discovery purposes is extremely broad. *Lewis v. ACB Bus. Servs., Inc.*, 135 F.3d 389, 402 (6th Cir. 1998). However, "district courts have discretion to limit the scope of discovery where the information sought is overly broad or would prove unduly burdensome to produce." *Surles ex rel. Johnson v. Greyhound Lines, Inc.*, 474 F.3d 288, 305 (6th Cir. 2007) (citing Fed. R. Civ. P. 26(b)(2)). In determining the proper scope of discovery, a district court balances a party's "right to discovery with the need to prevent 'fishing expeditions.'" *Conti v. Am. Axle & Mfg., Inc.*, 326 F. App'x 900, 907 (6th Cir. 2009) (quoting *Bush v. Dictaphone Corp.*, 161 F.3d 363, 367 (6th Cir. 1998)).

Under Rule 45 of the Federal Rules of Civil Procedure, parties may command a nonparty to, *inter alia*, produce documents. Fed. R. Civ. P. 45(a)(1). Rule 45 further provides that "the issuing court must quash or modify a subpoena that . . . requires disclosure of privileged or other protected matter, if no exception or waiver applies; or subjects a person to undue burden." Fed. R. Civ. P. 45(c)(3)(A)(iii), (iv). Although irrelevance or overbreadth are not specifically listed under Rule 45 as a basis for quashing a subpoena, courts "have held that the scope of discovery under a subpoena is the same as the scope of discovery under Rule 26." ***Hendricks v. Total Quality Logistics, LLC***, 275 F.R.D. 251, 253 (S.D. Ohio 2011) (citations and quotations omitted). The movant bears the burden of persuading the court that a subpoena should be quashed. ***See, e.g.***, ***Baumgardner v. La. Binding Serv., Inc.***, No. 1:11-cv-794, 2013 U.S. Dist. LEXIS 27494, at *4 (S.D. Ohio Feb. 28, 2013); ***Williams v. Wellston City Sch. Dist.***, No. 2:09-cv-566, 2010 U.S. Dist. LEXIS 122796, at *21 (S.D. Ohio Nov. 2, 2010).

B. Discussion

The movant argues that the subpoena seeks irrelevant information because identification of the Doe defendants by IP address will not necessarily identify the alleged copyright infringers. ***Motions to Quash***, pp. 1-4. The movant further argues that his internet access was not password protected and, consequently, an unauthorized user may have committed the alleged copyright infringement. ***Id***. These arguments are not well taken.

As an initial matter, the Court notes that the movant has neither attached a copy of the subpoena in question nor specifically described the documents sought by the subpoena. The Court will therefore assume that the subpoena seeks documents consistent with the Court's July 23, 2013 ***Order*** granting expedited discovery, ***i.e.***, documents "to obtain the identity of each Doe defendant by serving a Rule 45 subpoena seeking documents including the name, addresses and telephone numbers, e-mail addresses and Media Access Control addresses for each defendant." ***Order***, Doc. No. 4, p. 4.

As noted *supra*, the Court previously concluded that plaintiff's request for expedited discovery was supported by good cause. ***Order***, Doc. No. 4. ***See also Breaking Glass Pictures v. Does 1-99***, No. 2:13-cv-389, 2013 U.S. Dist. LEXIS 88090 (S.D. Ohio June 24, 2013) (finding good cause and permitting expedited discovery in a copyright infringement case in order to obtain the identity of each Doe defendant); ***Arista Records, LLC v. Does 1-15***, No. 2:07-cv-450, 2007 WL 5254326, at *2 (S.D. Ohio May 17, 2007). To the extent that the movant asks the Court to revisit this conclusion, the movant has offered nothing to establish that the prior decision was erroneous. For example, the movant argues that the mere identification of the subscriber does not necessarily establish that the subscriber illegally downloaded the copyrighted work. ***Motions to Quash***, p. 3. However, nothing in Rule 45 permits a court to quash a subpoena based on "a general denial of liability." ***See, e.g., First Time Videos, LLC v. Does 1-500***, 276 F.R.D. 241, 250 (N.D. Ill. 2011). ***See also*** Fed. R. Civ. P. 45. Instead, arguments related to the merits of the allegations are appropriately addressed in the context of a motion to dismiss or a motion for summary judgment, rather than on a motion to quash. ***See, e.g., First Time Videos, LLC***, 276 F.R.D. at 250.

Similarly, the movant's argument that his internet access was not password protected and that it may therefore have been an unauthorized user who committed the alleged copyright infringement, ***Motions to Quash***, p. 1, is not well taken. Rule 26 authorizes broad discovery, including discovery that "appears reasonably calculated to lead to the discovery of admissible evidence." Fed. R. Civ. P. 26(b)(1).

Therefore, even if discovery later reveals that it was someone other than the subscriber who violated plaintiff's copyright, the subpoenaed information (*i.e.*, the subscriber's contact information) is reasonably calculated to lead to the discovery of admissible information, *i.e.*, the identity of the actual alleged infringer.

In short, defendant's request to quash the subpoena is without merit.

III. REQUESTS TO SEVER THE DOE DEFENDANTS

The movant also asks the Court to sever the Doe defendants, contending that joinder is improper under Ohio R. Civ. P. 20. ***Motions to Quash***, pp. 1-4. Rule 20 of the Federal Rules of Civil Procedure permits persons to be joined as defendants in one action if (1) "any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences" and (2) the claims against the various defendants share a common question of law or fact. Fed. R. Civ. P. 20(a)(2). "Under the Rules, the impulse is toward entertaining the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged." ***United Mine Workers of Am. v. Gibbs***, 383 U.S. 715, 724 (1966). ***See also Brown v. Worthington Steel, Inc.***, 211 F.R.D. 320, 324 (S.D. Ohio 2002) ("Courts liberally permit joinder under Rule 20(a).") (citations omitted). To that end, courts in this circuit give the terms "transaction" and "occurrence" a broad and liberal interpretation. ***Lasa Per L'Industria Del Marmo Societa Per Azioni v. Alexander***, 414 F.2d 143, 147 (6th Cir. 1969). "'The purpose of Rule 20(a) is to promote judicial economy and trial convenience.'" ***Evans v. Midland Funding LLC***, 574 F. Supp. 2d 808, 811 (S.D. Ohio 2008) (quoting ***Lee v. Dell Prods., L.P.***, No. 3:06cv0001, 2006 WL 2981301, at *7 (M.D. Tenn. Oct. 16, 2006)). "However, even if the requirements of Rule 20 are met, a district court nevertheless retains considerable discretion to sever defendants if it finds that the objectives of the rule are not fostered, or that joinder would result in prejudice, expense, or delay." ***Voltage Pictures, LLC v. Does 1-43***, No. 1:13cv465, 2013 U.S. Dist. LEXIS 63764, at *5 (N.D. Ohio May 3, 2013). The Court shall address each of the requirements under Rule 20(a)(2) in turn.

A. Same Transaction or Series of Transactions

The movant argues that the alleged infringement does not arise out of "a single transaction or a series of closely related transactions" because "the individual Defendants still have no knowledge of each other, nor do they control how the protocol works, and Plaintiff has made no allegation that any copy of the work they allegedly downloaded came jointly from and of the Doe defendants." ***Motions to Quash***, p. 4.

Federal courts within this circuit and across the country are divided on whether or not membership in the same "swarm" satisfies the joinder requirements of Rule 20.[3] ***See, e.g., Voltage Pictures, LLC,***

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[3] Even district courts within the same district in this circuit are split in this regard. ***See, e.g., Voltage Pictures, LLC v. Does 1-43***, No. 1:13cv465, 2013 U.S. Dist. LEXIS 63764, at *11-12 (N.D. Ohio May 3, 2012) (permitting joinder); ***Night of the Templar, LLC v. Does 1-25***, No. 1:13-cv-396, 2013 U.S. Dist. LEXIS 51625, at *11 (N.D. Ohio Apr. 10, 2013) (severing claims after finding that "participation in a specific swarm is too imprecise a factor absent additional information relating to the alleged copyright infringement

2013 U.S. Dist. LEXIS 63764 at *5-6 (collecting cases); ***Patrick Collins, Inc. v. John Does 1-33***, No. 4:12-cv-13309, 2013 U.S. Dist. LEXIS 50674, at *12-14 (E.D. Mich. Feb. 27, 2013) (same); ***Third Degree Films, Inc. v. John Does 1-72***, No. 12-cv-14106, 2013 U.S. Dist. LEXIS 44131, at *17 (E.D. Mich. Mar. 18, 2013). Some courts severing claims in "swarm" cases conclude that simply participating in a "swarm" does not necessarily establish that defendants participated in the same transaction or occurrence. ***See, e.g., Night of the Templar, LLC v. Does 1-25***, 1:13-cv-396, 2013 U.S. Dist. LEXIS 51625, at *9-10 (N.D. Ohio Apr. 10, 2013) (quoting ***Hard Drive Prods., Inc. v. Does 1-188***, 809 F. Supp. 2d 1150, 1151 (N.D. Cal. 2011)); ***Patrick Collins, Inc. v. John Does 1-23***, No. 11-cv-15231, 2012 U.S. Dist. LEXIS 40536, at *9-13 (E.D. Mich. Mar. 26, 2012) ("[T]he court concludes that simply alleging the use of BitTorrent technology, like earlier P2P file sharing protocols, does not comport with the requirements under Rule 20(a) for permissive joinder."). For example, unknown defendants may access the swarm at different times, ***see Night of the Templar, LLC***, 2013 U.S. Dist. LEXIS 51625 at *10; ***Patrick Collins, Inc.***, 2012 U.S. Dist. LEXIS 40536 at *10, thereby suggesting that computer users were not acting simultaneously or in concert. ***See, e.g., Patrick Collins, Inc.***, 2012 U.S. Dist. LEXIS 40536 at *12; ***Patrick Collins, Inc. v. John Does 1-21***, No. 12-12596, 2012 U.S. Dist. LEXIS 187556, at *3-4 (E.D. Mich. Aug. 28, 2012).

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to support joinder under Rule 20(a)"); ***Patrick Collins, Inc. v. John Does 1-33***, No. 4:12-cv-13309, 2013 U.S. Dist. LEXIS 50674 (E.D. Mich. Feb. 27, 2013) (denying request to sever claims); ***Patrick Collins, Inc. v. John Does 1-23***, No. 11-cv-15231, 2012 U.S. Dist. LEXIS 40536, at *9-13 (E.D. Mich. Mar. 26, 2012) (finding that alleged participation in a swarm did not support joinder under Rule 20).

Conversely, other courts have concluded that joinder under Rule 20 does not necessarily require simultaneous or concerted action. ***See, e.g., Patrick Collins Inc. v. John Does 1-28***, No. 12-13670, 2013 U.S. Dist. LEXIS 11349, at *21 (E.D. Mich. Jan. 29, 2013) (quoting ***Patrick Collins, Inc. v. John Does 1-21***, 282 F.R.D. 161, 168 (E.D. Mich. 2012)); ***Nucorp, Inc. v. John Does 1-24***, No. 2:11-cv-15222, 2012 U.S. Dist. LEXIS 187547, at *14 (E.D. Mich. Oct. 18, 2012); ***Patrick Collins, Inc.***, 282 F.R.D. at 167. Such courts "have permitted joinder, based on the theory that the claims are 'logically related,' and that the collaborative activity of the members of the swarm demonstrates that they engaged in the same transaction or series of transactions." ***Voltage Pictures, LLC***, 2013 U.S. Dist. LEXIS 63764 at *6 (collecting cases). ***See also Patrick Collins Inc.***, 2013 U.S. Dist. LEXIS 11349 at *14-15 (quoting ***In re EMC Corp.***, 677 F.3d 1351, 1358 (Fed. Cir. 2012)). In addition, at least one district court in this circuit has concluded that allegations that defendants, ***inter alia***, used the same digital file satisfied Rule 20(a)(2)'s "same transaction, occurrence, or series of transactions or occurrences" requirement. ***Third Degree Films v. John Does 1-36***, No. 11-cv-15200, 2012 U.S. Dist. LEXIS 87891, at *28-32 (E.D. Mich. May 29, 2012).

In ***Third Degree Films***, the district court noted that, by virtue of uploading in a "swarm," the unidentified defendants helped pass on pieces of the copyrighted work:

> [E]ach defendant allegedly participated in the same swarm for the same digital encoding of the Work and thereby jointly contributed to the illegal distribution of the Work to others. By undoubtedly uploading to other peers in the swarm, which enabled those peers to upload to still other peers, all 36 Doe Defendants jointly contributed to either

growing the swarm or maintaining its existence.

Id. at *27-28. ***See also Voltage Pictures, LLC***, 2013 U.S. Dist. LEXIS 63764 at *11 n.2 ("[E]ach [defendant] participated in the BitTorrent swarm as an uploader (distributor) and downloader (copier) of the illegally transferred file."); ***Patrick Collins Inc.***, 2013 U.S. Dist. LEXIS 11349 at *18-19 (quoting ***Digital Sin, Inc. v. John Does 1-176***, 279 F.R.D. 239, 244 (S.D.N.Y.2012)). Although the court in ***Third Degree Films*** acknowledged that future discovery might reveal that the plaintiff could not satisfy the requirements for joinder under Rule 20(a)(2) or that severance would be appropriate, that court nevertheless concluded that joinder was proper at the initial stages of the litigation. ***Third Degree Films***, 2012 U.S. Dist. LEXIS 87891 at *29-33.

Here, the ***Complaint*** alleges that the Doe defendants used the BitTorrent protocol to join together in a "swarm" in order to illegally download copyrighted material. ***Complaint***, ¶ 5. More specifically, the ***Complaint*** alleges that the unidentified defendants all violated the same law, ***i.e.***, 17 U.S.C. § 101, ***et seq.***, in the same series of transactions, ***i.e.***, downloading and distributing the same file, The Company You Keep, by using the same means, ***i.e.***, the BitTorrent protocol. ***Id.*** at ¶ 11. According to plaintiff, "[t]he infringed work was included in one file related to the torrent file; in other words, all of the infringements alleged in this lawsuit arise from the exact same unique copy of Plaintiff's movie as evidenced by the cryptographic hash value." ***Id.*** The Doe defendants' alleged wrongful acts occurred in the same series of transactions or occurrences because each defendant downloaded and/or distributed, or offered to distribute, The Company You Keep to other infringers on the network who in turn downloaded and/or further distributed this movie. ***Id.*** Plaintiff therefore believes that the unidentified defendants "each conspired with other infringers on the BitTorrent network to copy and/or distribute the Motion Picture, either in the same transaction or occurrence or in a series of transactions or occurrences." ***Id.***

Construing the terms "transaction" and "occurrence" broadly, ***see Lasa Per L'Industria Del Marmo Societa Per Azioni***, 414 F.2d at 147, and keeping in mind that joinder is strongly encouraged, ***see United Mine Workers of Am.***, 383 U.S. at 724, this Court concludes that plaintiff has alleged facts sufficient to satisfy Rule 20's "same transaction, occurrence, or series of transactions or occurrences" requirement at this preliminary stage of the proceedings. ***See, e.g., Third Degree Films***, 2012 U.S. Dist. LEXIS 87891 at *29-33; ***Patrick Collins, Inc. v. John Does 1-21***, 286 F.R.D. 319, 321-22 (E.D. Mich. 2012).

B. Common Question of Law or Fact

Rule 20 also requires that a plaintiff establish that claims against all defendants share a common question of fact or law. Fed. R. Civ. P. 20(a)(2)(B). Here, as discussed ***supra***, plaintiff has alleged that the Doe defendants (1) violated the same law, ***i.e.***, 17 U.S.C. § 101, ***et seq.***, (2) infringed plaintiff's rights in The Company You Keep by using the same digital file, and (3) used the same BitTorrent protocol. The Court concludes that these allegations, at this preliminary stage, satisfy Rule 20(a)(2)(B). ***See, e.g., Third Degree Films***, 2012 U.S. Dist. LEXIS 87891 at *13-14 (finding that the plaintiff had adequately pled facts satisfying Rule 20(a)(2)(B) where plaintiff alleged the same causes of action involving the same digital file and the same investigation led to discovery of defendants' IP addresses); ***Patrick Collins, Inc.***, 2013 U.S. Dist. LEXIS 50674 at *11; ***Patrick Collins, Inc.***, 286 F.R.D. at 322.

This Court therefore concludes that its discretion is better exercised in permitting joinder at this stage of the proceedings. ***Cf. Sojo Prod. Inc.***, 2013 U.S. Dist. LEXIS 58602 at *8 (denying a motion to sever without prejudice to renewal at a later stage of the litigation). The motions to quash filed by movant Alex C. Sheeley, Doc. Nos. 12, 14, are therefore **DENIED**.

November 25, 2013

s/Norah McCann King
Norah McCann King
United States Magistrate Judge